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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/989,352 12/12/97 STEPHEN B.

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EXAMINER

COOLEY, C

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

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Office Action Summary

Application No.
08/989,352

Applicant(s)
Maguire

Examiner
Charles E. Cooley

Group Art Unit
1723



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-58 is/are pending in the application.

Of the above, claim(s) 54-58 is/are withdrawn from consideration.

☒ Claim(s) 36-38 is/are allowed.

☒ Claim(s) 1-9, 16-18, 28, 30-35, and 39-53 is/are rejected.

☒ Claim(s) 10-14, 19-27, and 29 is/are objected to.

☒ Claims 1-58 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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OFFICE ACTION

Election/Restriction

1. Applicant's election with traverse of Group I - claims 1-53 in Paper No. 15 is acknowledged. The traversal is on the ground(s) that the restriction is improper. This is not found persuasive because Group I and Group II are clearly related as combination and subcombination and restriction is proper between the groups as outlined in MPEP 806.05(c).

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 54-58 are thereby withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 15.

Information Disclosure Statement

3. Note the attached PTO-1449 forms (8 sheets) submitted with the Information Disclosure Statements.

Drawings

4. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference

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characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. The disclosure is objected to because of the following informalities:
 - a. the missing application data on page 1, first paragraph of the specification should be provided.
 - b. Page 1, last line appears to be missing text since the first line on page 2 begins a new sentence.
 - c. Page 2, last line: it appears "component" should be --compartment--.
 - d. Page 24, line 4: the status of the referenced application should be updated. Appropriate correction is required.
7. The abstract is acceptable.
8. The title is acceptable.

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Claim Objections

9. Claim 36 is objected to because in line 19, it appears "an" should be --a--.
Correction is required.

Claim Rejections - 35 U.S.C. § 112

10. Claims 6, 15-18, 28, 39-53 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

OK

- Claim 6, line 2: "said vertically extending surfaces" lacks antecedent basis -
change to --said upwardly extending surfaces--.

OK

- Claim 15, line 4: "said valve and actuating means" lacks antecedent basis.

*7
or
maintain.*

- Claim 16, line 2: does the "valve means" have any relationship to the material
dispensing means of claim 9?

maintain

- Claim 17, line 1: "said actuating means" lacks antecedent basis; in line 3, "said
valve" lacks antecedent basis.

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✓ Claim 18: "said actuating means" and "said hopper wall" lack antecedent basis. *maintain*

ok? Claim 28: "said piston" lacks antecedent basis.

Claim 39: "said central part of said weigh bin" and "said aperture uncovering position" lack antecedent basis.

Claim 40: "said central part of said weigh bin" and "said aperture uncovering position" lack antecedent basis.

Claim 41 is vague and incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The structural cooperative relationship between the panel and the frame is unclear. Is the open side recited in section (a) of the claim being closed by the panel? It appears language such as --at the open side-- should be inserted after "enclosure" in line 13 to clarify the invention.

Claim 41, lines 16-18: all occurrences of "said mixer" lack antecedent basis.

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Claim 42 is written in an awkward and confusing manner. The terms "said means connecting said mixer to said panel", "said shaft", and "said mixer" all lack antecedent basis.

Claim 43, line 1: "said connection means" lacks antecedent basis.

Claim 46: "said mixer axis" lacks antecedent basis.

Claim 47: "said mixer" lacks antecedent basis.

11. Each pending claim should be thoroughly reviewed such that these and any other informalities are corrected so the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

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Claim Rejections - 35 U.S.C. § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-9 and 30-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by the photographs of UNA-DYN gravimetric blender (circa 1993).

Note the recited structure in the three photographs of the UNA-DYN gravimetric blender.

Allowable Subject Matter

14. Claims 39-53 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

15. Claims 15-18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

16. Claims 10-14, 19-27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 36-38 are allowable over the prior art of record.

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Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art discloses weigh bin blenders and feed devices for extruders.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ☎ (703) 308-0112.

20. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ☎ (703) 308-0651.

Dated: **25 August 2000**

A handwritten signature in black ink, appearing to read "Charles Cooley", written over a horizontal line.

**Charles Cooley
Primary Examiner
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